



# JUSTICE ADMINISTRATION DEPARTMENT



## QUICK GUIDE

### *An Evaluation of Harris County Traffic Stop Data in Compliance with the Sandra Bland Act*

*June 8th, 2021*



## ACKNOWLEDGMENTS

The **Justice Administration Department** would like to thank Assistant Chief Mike Lee, Harris County Sheriff's Office, Constable Jerry Garcia, Constable Precinct Two, Captain Holland Jones, Constable Precinct Seven, Chief Deputy Donald Steward, Constable Precinct Four, Assistant Chief Chris Branson, Constable Precinct Five, Chief Deputy Jason Finnen, Constable Precinct Eight, Constable Sandlin, Constable Precinct Eight, and Chief Deputy Kirk Bonsal, Constable Precinct Three for taking the time to meet with JAD to discuss the report, the methodology, the results, and for offering invaluable suggestions. Additionally, JAD would like to acknowledge Constable Sherman Eagleton, Constable Precinct Three, Constable Mark Herman, Constable Precinct Four, Constable Ted Heap, Constable Precinct Five, Constable May Walker, Constable Precinct Seven, and Sheriff Gonzalez, HSCO, for facilitating and allowing us to speak with representatives of their respective agencies. We look forward to meeting with additional Law Enforcement Agencies as their schedules permit and continuing our collaboration as we develop future data analysis and recommendations that impact Harris County residents.

This **Justice Administration Department** report was written by Dr. Matthew Sweeney, Justice Policy Research Analyst, in collaboration with Brandi Ebanks Copes, Racial Disparity and Fairness Administrator, Perlo Gernale, Jr., Senior Data Warehouse/Business Intelligence Developer, Mike Giordanelli, Budget Analyst and Grants Manager, Dr. Elizabeth Duemig, Front End Law Enforcement Specialist, Dr. Colin Cepuran, Justice Policy Research Analyst, Lindsey Linder, Justice Policy Research Analyst, Dr. Veronyka James, Violence Prevention and Survivor of Crime Specialist, Kelly Venci Gonzalez, Youth Justice Policy Analyst, Dr. Natosha Willis, Justice Policy Research Analyst, Dr. Ana Yáñez-Correa, Deputy Director, Kristina Vera Robertson for layout and design; and Laura Lucas for dissemination.

To find this report online, please go to ([jad.harriscountytexas.gov](http://jad.harriscountytexas.gov))

## BACKGROUND

In June 2017, Governor Greg Abbott signed Senate Bill 1849 (the Sandra Bland Act) into law. The Act requires reporting on racial profiling during traffic stops and requires agencies to provide this report to the Texas Commission on Law Enforcement (TCOLE) and the County or City Governing bodies for the jurisdiction(s) in which the agency operates. Agencies must submit:

- The stop location;
- If an officer knew the race of the driver before the stop;
- The race and ethnicity of the driver;
- The gender of the driver;
- The reason for the stop;
- Whether the officer conducted a vehicle search disaggregated by the driver's race;
- The reason for the search disaggregated by the driver's race;
- The discovery of contraband disaggregated by the driver's race and if it resulted in an arrest;
- The type of contraband the officer discovers;
- Whether the stop resulted in a warning, citation, or arrest,
- The justification of an arrest on a traffic stop,
- If an officer uses force or does not use force on a traffic stop by race; and,
- Optional questions regarding an injury to an officer, a suspect, or both.

On June 9th, 2020, Commissioners Court passed a motion made by Commissioner Garcia for JAD to analyze existing racial profiling data produced by law enforcement. JAD collected data from Texas Commission on Law Enforcement (TCOLE) on traffic stops in 2020 as the only available source of existing public traffic stop data in Harris County. JAD examined the gender, and racial demographics of traffic stops in Harris County, including disaggregated statistics on search rates, contraband discovery, stop results including arrest, citations, and warnings, and the use of force rates for each Constable Precinct and the Harris County Sheriff's Office (HCSO). Additionally, JAD compared Harris County to Bexar County, Dallas County, Tarrant County, and Travis County.<sup>1</sup>

- Gender Demographics;
- Racial Demographics;
- Racial and Gender Demographics;
- Consent Search by Racial Demographics;
- Contraband Discovery by Racial Demographics;
- Traffic Stops to Arrests by Racial Demographics;
- Type of Citation or Warning by Racial Demographics; and,
- Use-of-Force by Racial Demographics.

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<sup>1</sup> The TCOLE Data for this report originates from the May 26, 2021 update.

## KEY FINDINGS

Overall, the analysis reveals that many comparisons do not show a significant racial inequality in rates of traffic stops, consent searches, and contraband discovery. However, JAD has several key findings regarding disparate results and gaps in data.

### **1) Disparate Results: TCOLE Data Shows Harris County has Some Disparate Rates Against Certain Racial, Ethnic, And Gender Groups**

- All Harris County law enforcement agencies are twice as likely to perform a traffic stop when the driver is male compared to female.
- Harris County law enforcement agencies issue more citations than written warnings and verbal warnings to specific racial and ethnic groups.
- Harris County law enforcement agencies use force against Black and White drivers more frequently than against other racial and ethnic groups.

### **2) Data Gaps**

- JAD is Unable to Use Population Demographics as a Comparison: In Harris County, constable precincts are not within defined, measurable areas, making it challenging to include census data to compare the population to traffic stops. Additionally, population demographics may not represent the demographics of drivers in the geographic area.
- The Available Data Does Not Provide Sufficient Information to Determine the Scope of Traffic Stop Characteristics. For example, the data does not represent when deputies request consent and do not receive consent to search a vehicle. Therefore, groups may experience an overrepresentation in consent searches because they allow deputies to search more often. Additionally, the data does not provide sufficient detail to control for extraneous factors.
- Additional Data Gaps:
  - In Harris County, law enforcement agencies did not report arrest by racial demographic information, on average, in 32.55 % of traffic stops.
  - In Harris County, law enforcement agencies did not report citations, verbal warnings, and written warnings by racial demographics, on average, in 36.64%, 23.94%, and 27.82% of traffic stops.
  - In Harris County, three law enforcement agencies are missing racial demographic information in the use of force, resulting in physical injury in 31.26%, 25.56%, 63.46% of all traffic stops in Harris County.

### **3) Additional Limitations to the Analysis**

- Only Yearly Summary Data, not Incident-Level Data: Law enforcement agencies provide yearly totals of traffic stop incidents. As a result, JAD cannot perform more acute statistical procedures to identify disparate practices. JAD staff cannot specifically identify a single incident across race, gender, searches, arrests, and citations to test for the influence of race or other extraneous factors comparing traffic stop to traffic stop.

- **Lack of Disaggregated Information on Traffic Stop Demographics until 2021:** Law enforcement agencies did not provide disaggregated information on traffic stop demographics. Therefore, this report can only rely on the data for 2020 that law enforcement agencies submitted in 2021. We cannot compare to previous years. Similarly, the 2020 data was the first year TCOLE mandated disaggregated information. As a result, we believe some law enforcement agencies may have missing data because the law enforcement agencies did not routinely collect it, and the systems may not require the data's collection in reporting software.
- **Inability to use Population Demographics as a Comparison:** Due to the geographic distribution of precincts and the ability of persons to travel freely, using population demographics as the basis of comparison is infeasible. The traditional methods of comparing traffic stop demographics to population demographics are not feasible because the distribution of the constable precincts does not properly align with standard demographic measurement tools.
- **The Rarity of Certain Traffic Stop Characteristics:** Some variables have a small number of occurrences (such as the use of force incidents). Therefore, the proportions of demographic groups may overinflate the percentage. For example, if ten use of force incidents occurred and eight occurred to African Americans out of 6,000 traffic stops, this would yield a proportion of 80%, which would make the percentage appear much more significant than the raw values. JAD will present the numbers for each disparity, when applicable, to contextualize the information.
- **Results Only Show Differences Between Law Enforcement Agencies or Counties:** This report uses comparisons between variables to ascertain if a specific Department or County diverges from the overall County or multi-County average. This comparison only indicates a disparity relative to the County or multi-county average.

## RECOMMENDATIONS

JAD provides several recommendations to increase public awareness, improve data collection, and further analyze data to provide a better understanding of current practices:

### 1) Public Education

- Harris County law enforcement should submit the required documentation to TCOLE and Commissioners Court per the Texas Code of Criminal Procedure Article 2.134 by March 1st each year.
- Harris County law enforcement should establish easy-access online methods to submit complaints or commendations about law enforcement interactions with the public. Moreover, the information should be made available in multiple languages, especially languages relevant to resident populations.
- Law enforcement agencies should provide deputies business cards with information on

*With Commissioner Court approval, JAD would like to coordinate with the appropriate law enforcement agencies and Budget Management to assist Harris County law enforcement agencies in covering all additional costs derived from our recommendations.*

filing complaints or commendations, including contact information for a specific person or office and the web address to submit a complaint or commendation.

- Harris County should research and evaluate the feasibility and ease of using translation services for county websites, print materials, and personal communications to alleviate language barriers.

## 2) Improved Data Sharing and Collection

- Make the incident data available to JAD to perform more acute statistical analyses; JAD would need additional data on traffic stop characteristics at the incident level. Incident-level data will allow JAD to directly statistically compare one traffic stop to another to identify traffic stop characteristics and outcomes that are not accessible with yearly TCOLE summary data submitted by law enforcement.
- Make additional variables on traffic stop characteristics and outcomes available to JAD to perform more acute statistical analyses. These variables include:
  - The approximate location of the traffic stop;
  - The infraction that resulted in the deputy stopping a driver;
  - The infraction that resulted in the citation or warning;
  - The level of resistance (i.e., passive or active resistance) from the driver during use of force incidents and the type of force a deputy used during use of force incidents;
  - Data on when a deputy requests a driver’s consent to search a vehicle, but the driver denies the deputy’s request;
  - The arresting charge, indicating if it is a felony or misdemeanor, and the level of the felony or misdemeanor; and,
  - The amount of contraband discovered during the search.
- Harris County should establish a centralized submission platform for all County law enforcement agencies to submit racial profiling reports. This system should perform the necessary analyses and issue the department’s reports to TCOLE and Commissioners Court. A more sophisticated system could pull the data required from Superior, the County-wide law enforcement system, to generate the reports automatically for Harris County law enforcement agencies.

 <p><b>HARRIS COUNTY SHERIFFS' OFFICE</b> <b>HCSO</b> <b>ALGUACIL ED GONZALEZ</b></p>	<p><b>Compliment and Complaint Procedures</b></p> <p>In accordance with Article 2.132 of the Texas Code of Criminal Procedure, referred as the Sandra Bland Act, the following information provides public education relating to the Harris County Sheriff's Office complaint and complaint process, including providing a telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer.</p> <p>For compliments and complaints, please contact the Harris County Sheriff's Office Internal Affairs Division by:</p> <table border="0"> <tr> <td>Visit:</td> <td>Call:</td> <td>Websites:</td> </tr> <tr> <td>IAD, 1200 Baker Street, Houston, Texas 77002</td> <td>713-274-5003</td> <td><a href="http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx">http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx</a> or <a href="http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx">http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx</a></td> </tr> </table> <p>General office hours: 8:00 a.m. - 5:00 p.m., Monday—Friday</p> <table border="1"> <tr> <td>Officer Name</td> <td>Unit #</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Visit:	Call:	Websites:	IAD, 1200 Baker Street, Houston, Texas 77002	713-274-5003	<a href="http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx">http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx</a> or <a href="http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx">http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx</a>	Officer Name	Unit #	<input type="text"/>	<input type="text"/>	<p><b>Procedimientos para Realizar Reconocimientos y Denuncias</b></p> <p>De acuerdo con la cláusula 2.132 del Código de Procedimientos Penales de Texas, referida como la ley de Sandra Bland, la siguiente información proporciona educación pública relacionada con los Procedimientos para Realizar Reconocimientos y Denuncias de la Oficina del Alguacil del Condado de Harris, incluyendo el proporcionar un número telefónico, dirección de correo postal y dirección de correo electrónico, para realizar un reconocimiento o una denuncia con respecto a multas, citatorios o llamadas de atención expedidas por un oficial.</p> <p>Para reconocimientos y denuncias por favor comuníquese a:</p> <p>La División de Asuntos Internos de la Oficina del Alguacil del Condado de Harris.</p> <table border="0"> <tr> <td>Acudiendo a:</td> <td>Llamando al número:</td> <td>Visitando el sitio web:</td> </tr> <tr> <td>IAD, 1200 Baker Street, Houston, Texas 77002</td> <td>713-274-5003</td> <td><a href="http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx">http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx</a> o también: <a href="http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx">http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx</a></td> </tr> </table> <p>Horario General de Oficina: lunes a viernes de 8:00 a.m. a 5:00 p.m.</p> <table border="1"> <tr> <td>Nombre del Oficial</td> <td>Número de la Unidad</td> </tr> <tr> <td><input type="text"/></td> <td><input type="text"/></td> </tr> </table>	Acudiendo a:	Llamando al número:	Visitando el sitio web:	IAD, 1200 Baker Street, Houston, Texas 77002	713-274-5003	<a href="http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx">http://www.harriscountysoc.org/AboutUs/File_a_Commendation.aspx</a> o también: <a href="http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx">http://www.harriscountysoc.org/AboutUs/ContactUs/Online_Complainant.aspx</a>	Nombre del Oficial	Número de la Unidad	<input type="text"/>	<input type="text"/>
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- Harris County should update Superior, the County-wide law enforcement system, to require deputies to collect traffic stop information before completing traffic stop reports to limit the possibility of missing data.

### 3) Further Examination

- Law enforcement agencies need to examine incidents where there are disparities and work to understand the problematic occurrence of the possible over-reliance on force and develop solutions.
  - Further, the overreliance on force against specific communities elevates the necessity for greater data and incident transparency amongst Harris County law enforcement agencies, especially the eight constable precincts and the Harris County Sheriff's Office.
- Law enforcement agencies should provide additional information on the infractions drivers commit to receive citations and warnings, to give more context to the reasoning for citations. This can shed light on if the citation was due to a safety violation or for minor quality-of-life type offenses.

## NEXT STEPS

### Development of Public Dashboard on Traffic Stop Demographics:

- Since this data is legislatively mandated, JAD developed a public dashboard to provide yearly summaries of traffic stops in Harris County based on the publicly available data from TCOLE. As additional years become available, JAD will add a longitudinal analysis showing how the rates change from year to year. This dashboard contains all agencies that submit to TCOLE, not just the constable precincts, HCSO, or even Harris County. As of June 8th, 2021, the dashboard is publicly available on JAD's website.
- In conversations with law enforcement in Harris County, some expressed a desire to host similar dashboards on Departmental websites, particularly those with more frequent updates. JAD will work with Harris County law enforcement agencies interested in data dashboards and Universal Services to make the data available to JAD. JAD will further work with the law enforcement agencies to help develop and publish such dashboards for public view to increase transparency at a greater frequency than TCOLE collects traffic stop data.

### Assist in Developing Online Submission Forms for Complaints and Commendations:

JAD will assist interested Harris County law enforcement agencies without online submission forms to help the law enforcement agencies update websites to include an online submission form and a contact person for complaints and commendations. Additionally, JAD will work with Harris County law enforcement agencies that do not have business cards that provide information on complaint and commendation submission information to develop such business cards and identify funding to print and distribute the cards.

### **Help Develop Online Submission Platform for Racial Profiling Data Analysis:**

JAD will assist law enforcement agencies in identifying the type of system that could satisfy the reporting requirements, perform automated statistical analysis, and generate reports for the law enforcement agencies. Additionally, with support from Universal Services, this system could integrate with Superior and automatically generate the report from available data without law enforcement agencies having to submit the information. This system would have several immense benefits for Harris County.

- Harris County could have the most accurate data and fastest submission of County law enforcement agencies anywhere in Texas due to the system's automation.
- This would prevent data entry errors by drawing directly from Superior without human intervention.
- This system could enable daily, weekly, monthly, or quarterly reporting to keep the Department abreast of changing the information on traffic stops. Ultimately, this could lead to public dashboards and greater transparency for the Department.

### **Supplement Analysis with Future JAD Reports:**

JAD is in the process of identifying and hiring consultants to assist in completing Supplemental Item 17, the Impact of Fines and Fees (June 9th, 2020). Due to the expansive nature of racial and ethnic disparity reporting, JAD is further seeking consultants for Commissioner Ellis's item on Racial and Ethnic Disparities Reporting from June 9th, 2020 (Supplemental Item 18). These consultants will develop methods to examine and report racial and ethnic disparities at all county criminal justice system stages. The work currently underway includes JAD is working to finalize a report for a county-level model use of force model to satisfy Supplemental Item 20 (June 9th, 2020). JAD is working with consultants to complete Supplemental Item 15 (June 9th, 2020) on an Independent Law Enforcement Oversight Board.

